IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.5927 OF 2004

Mr.R.K.Yadav h/f Mr.V.S. Thokal for the Petitioner.

Office Notes, Office Memoranda of Coram, appearances, Court's order or directions	Court's or Judge's orders
	CORAM: D.K.DESHMUKH, J.
	DATED: 6TH JULY,2005

P.C.:

1. By this petition the Petitioner challenges the order passed by the Appellate Court rejecting the application for condonation of delay in filing an application for setting aside the order passed in the appeal. The Court has rejected the application after giving elaborate reasons for doing so. The Petitioner was a party to the appeal. Admittedly on the record there is a copy of the summons which has thumb-impression, which the bailiff of the court certified as

thumb impression of the Petitioner. But in the application for condonation of delay the Petitioner does not even deal that aspect of the matter. The order in relation to condonation of delay either condoning the delay or not condoning the delay is a discretionary order. Therefore, unless there is a patent illegality the court hearing the petition under Article 227 of the Constitution of India will not be justified in interfering with the order. The learned Counsel appearing for the Petitioner is not able to point out any patent illegality in the order. Petition is rejected.

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